

Committee on Resources

Subcommittee on Energy & Mineral Resources

Statement

*Testimony of the Honorable James A. Traficant, Jr.
Before the House Resources Subcommittee on
Energy and Mineral Resources on H.R. 2818,
Legislation to Ban Drilling on Mosquito Creek Lake
October 21, 1999*

I want to thank the chairwoman, Ms. Cubin, and the ranking member, Mr. Underwood, for having this hearing on H.R. 2818, legislation I introduced last month to ban drilling on Mosquito Creek Lake in Cortland, Ohio. This is a serious situation. At this stage in the process the only way to stop what could be an environmental catastrophe is legislative action. As such, I deeply appreciate the subcommittee taking expeditious action on my bill.

Before I go any further, I would ask permission to have a statement prepared by the law department of the city of Warren, Ohio be included in the hearing record.

H.R. 2818 would bar any person from any drilling activity, including slant or directional drilling, to extract oil or gas from lands beneath Mosquito Creek Lake. The bill gives the U.S. Attorney General the authority to file suit in U.S. District Court to enforce the prohibition.

I want to emphasize that Mosquito Creek Lake is located in a heavily populated area, Trumbull County, Ohio. The county seat, Warren, located at the southern end of the lake, has a population of more than 50,000. Trumbull County has a total population of more than 225,000. The lake was constructed in 1944 primarily for flood control, low-flow augmentation, municipal water supply, and water quality control. The lake also serves to conserve land and preserve fish and wildlife, including several endangered species.

Mosquito Creek Lake is the sole source of drinking water for the city of Warren. Let me repeat that: the lake is the sole source of drinking water for the city of Warren. The city of Cortland also relies on the lake to recharge its aquifers. Surrounding communities also rely, in part, on the lake to supply their drinking water.

Any contamination of the lake would severely compromise the drinking water supply of up to a quarter of a million people. That is why I am here today.

The modest financial benefits of drilling the local governments will accrue over the next twenty years in the form of royalties do not, by any stretch of the imagination, outweigh the risks posed by a single accident.

The four local governments that are impacted by this proposal, the cities of Cortland and Warren, Bazetta Township, and Trumbull County, all adamantly oppose the drilling. Keep in mind that these governments will receive royalties from the drilling. Nevertheless, they all oppose the drilling. In addition, every civic,

scientific and academic organization involved in the process has raised serious and substantive concerns relative to safety and the worth of the drilling proposal. Sadly, the Bureau of Land Management has ignored local concerns.

We have a situation in which the federal government is imposing on local government a program that local government is adamantly opposed to. There is no overriding national interest involved. There is no national crisis involving natural gas or oil. There is no reason for BLM to go forward with this initiative.

I'd like to talk a little bit about the risks. Drilling accidents do happen. They happen all the time. One way to reduce the likelihood of accidents or mitigate the damage caused by a spill or a leak is to have a consistent inspection and monitoring regime. **The state of Ohio does not have the resources to effectively and consistently conduct inspections and monitor water quality.** BLM glosses over this issue by asserting that the state will somehow come up with the necessary resources or that the drillers themselves will hire outside contractors to do the monitoring and inspecting.

While I have great respect for the oil and gas drilling industry, I do not believe that inspection and water quality monitoring are functions that should be entrusted to the private sector - especially when the private companies have a glaring conflict of interest. When it comes to safeguarding the drinking water supply of 225,000 people, it makes sense to ensure that the inspections and monitoring are being conducted by career professionals whose sole interest is safety and water quality - not profit.

Another concern is whether or not the local governments have the capability, expertise, equipment and resources to respond to a drilling accident. Contrary to what BLM has stated in their planning analysis and environmental assessment (PA/EA) documents, I want the record to reflect that the local governments **do not** have adequate resources to cope with a drilling accident. For example, the Trumbull County Emergency Management Agency, the entity most likely to respond to a significant drilling accident, does not have a viable oil and gas well emergency plan. The Trumbull County Hazardous Materials team was not consulted during BLM's review process. The county's HazMat team also does not have an oil and gas well emergency plan. The Bazetta Township Fire Department does not have the resources, equipment and trained personnel to respond to an oil and gas emergency.

In terms of the ability and capability of the local governments to respond to an oil and gas emergency, BLM is trying to sell the public a bill of goods. The ability to respond to an emergency in a timely manner does not exist.

Earlier I mentioned that the Trumbull County HazMat team was not consulted by BLM in preparing planning analysis and environmental assessment documents. Throughout the process BLM has not adequately consulted with state and local governments. For example, I am deeply troubled over the fact that BLM did not adequately consult with the Ohio Environmental Protection Agency. Given that the proposed drilling will affect the sole source of drinking water for more than a quarter of a million people, BLM should have made every effort to ensure that Ohio EPA played a central role at every step of the environmental assessment process. Unfortunately, this was not done as evidenced by the fact that not a single individual from Ohio EPA was part of the team that prepared the proposed PA/EA.

I want to touch briefly on the issue of potential benefits compared to potential risks. Under a best case scenario, the local governments could receive around \$150,000 a year. A single accident could shut down the drinking water supply for the cities of Warren and Cortland. The planning and assessment documents prepared by BLM do not address the key issue of how or where these government entities would get safe

drinking water. Conservative estimates place the cost in the millions of dollars. Please keep in mind that the cities of Warren and Cortland, as well as Trumbull County are experiencing severe budget problems. The shut down of their water supply would more than likely force some or all of these local governments into receivership.

A single accident could have devastating and lasting consequences.

I, along with the local governments involved, have tried to work with BLM. Our concerns have been laid out in great detail. We have been involved in the planning and assessment process at every stage. We have done everything by the book. Unfortunately, we have been ignored.

The Congress is our last resort. I urge the subcommittee to approve H.R. 2818. Don't let the federal government impose a program on a community that the entire community does not want. Once again, there is no compelling national interest involved. Certainly there is no national interest involved that would warrant the complete disregard for the concerns and desires of the local governments involved.

In closing, I would like to quote from a September 28, 1998 letter submitted to BLM by David D. Daugherty, assistant law director for the city of Warren, as part of the PA/EA process. This statement summarizes the rationale behind my legislation:

"Mosquito Creek Lake has existed for 50+ years without anyone drilling underneath it. When one considers the potential for harm, why do it now? There is no gas shortage at present and even if there were, the relative small size of the potential gas resources under the reservoir would do little to solve any national energy crisis. The overall economic benefit to the area is slight while the potential for harm is great. Mitigation measures by their definition imply the possibility of harm; and while they may reduce the probability of harm the possibility still exists, particularly where the mitigation measures rely on questionable enforcement as well as disaster containment capabilities. If no action is taken the mitigation measures are unnecessary and the probability of a spill or other contamination from drilling under Federal lands is zero."

I want to thank the subcommittee once again for acting in an expeditious fashion on this important legislation. I certainly hope the subcommittee will favorably on the bill. I stand ready to answer any questions you might have.

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